

REMARKS

Upon entry of this amendment, claims 1-16 and 18-22 will remain in this application. Currently, all of the claims stand rejected under 35 U.S.C. §102(e) as being unpatentable over Helm et al., Publication No. US2002/0067710. Reconsideration of the rejection of the claims is requested.

The examiner's characterization of Helm et al. is not understood. Applicant's attorney has carefully perused the Helm et al. publication and believes that it is directed to a packet-based communication system for transmitting information using an internet protocol. According to the Helm et al. patent, the system has a plurality of assigned channels including a portion that are designated as trunked channels and another portion that are designated as conventional channels. In Helm et al., information is broken down into data packets using the internet protocol (IP) and is transmitted in parallel paths over multiple channels concurrently. The problem faced by Helm et al. is directed to overload of the available channels and describes a control scheme that minimizes the overload of the channels. In paragraph 0010, Helm et al. describes a method of call control which simply determines the number of calls that is supported by the one or more paths forming both the trunked paths and the conventional paths and apportions the call counts between the trunk and conventional calls in accordance with a predetermined arrangement. That arrangement is simply an allocation of the percentage of the available frequencies for trunking calls and another percentage for conventional calls. Upon receiving call requests, the call requests are granted if they do not exceed the call counts associated with the available paths. If it does exceed the counts, the call request may be denied or busied. This system also allows some channels from one allocation to be borrowed for transmitting data from the other channels.

The particular paragraph cited by the examiner did not appear to add any significant change to the basic description of the Helm et al. invention as described above. The paragraph cited by the examiner merely provides somewhat more detail on how the functions are implemented. What is clearly

apparent from the description of Helm et al. is that there is no provision for terminating the use of a particular channel for data transfer whenever the channel is needed for information transfer.

The present invention is directed to a trunked radio system in which a secondary communication system can utilize unused channels of the trunked system during the time that those channels are not needed for information transfer. As used in applicant's specification, the term "parasitic data" is defined as data that is transmitted only on a secondary overlay basis when the system is not otherwise in use. It is not believed that the transmission of data using an internet protocol as described in Helm et al. has any relationship to this type of transmission of parasitic digital data. More particularly, the subject invention is directed to a system which adds a digital data transmission service to an existing system such as a trunked radio system without interfering with the normal operation of the trunked radio system.

In contrast to the present invention, Helm et al. is directed to a system which is characterized by a trunked system and a conventional or non-trunked system that are specifically designed to carry digital data in IP packets. There is no teaching or suggestion in Helm et al. of utilizing a trunked system that is dedicated to trunked transmissions to carry the information packets during a time period when the channels of the trunked system are not being used for carrying its normal information. Further, it is also clear that Helm et al. does not teach nor suggest the concept of interrupting the transmission of parasitic digital data whenever the particular channel that is being used for such transmission is required for the trunked radio system.

Referring specifically to applicant's claim 1, the invention is defined as a combination of "a transmitter for transmitting an information signal" with "a controller coupled to said transmitter for transmitting parasitic data" whenever one of the frequencies normally used by the transmitter is not used for transmitting information signals. The claim further recites that "the parasitic data transmission is interrupted" if the frequency on which it is being transmitted "is

required for transmitting an information signal". It is not believed that these features are taught or suggested by Helm et al.

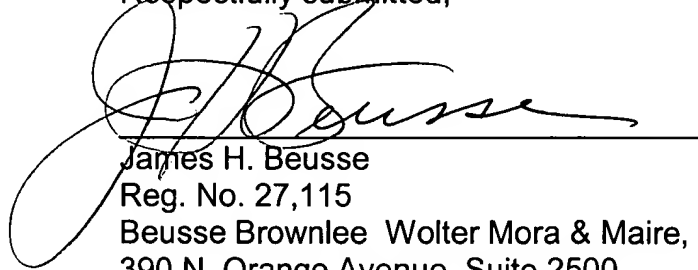
Claim 5, applicant's second independent claim, defines first and second controllers with the first controller being used to enable transmission of information signals on assigned working channels and the second controller being effective to transmit parasitic data to parasitic receivers on unoccupied or unused working channels. The claim further recites that the controller terminates the parasitic data transmission whenever the system requires the working channel for transmitting information signals. As set forth above, it is not believed that there is any teaching or suggestion in Helm et al. of these features of applicant's claimed invention.

Claim 19 is an independent method claim defining the operation of a plurality of radios on the working channels and includes the step of determining when a working channel is unoccupied and the further step of permitting operation of a second plurality of radios on an unoccupied working channel until the working channel is assigned for use by the first plurality of radios. Helm et al. clearly does not suggest a system in which working channels assigned to one radio system can be utilized by another radio system with the first system being able to terminate operation of those radio channels by the second system whenever the first system requires use of the channels.

The remaining claims in the present application depend from the three independent claims discussed above and are allowable for at least the reasons set forth with regard to the independent claims. The dependent claims set forth various combinations that are not shown in the prior art or suggested by Helm et al.

For the reasons set forth above, it is submitted that the claims remaining in the present application are now in condition for allowance and such allowance is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Beusse", is written over a horizontal line. The signature is stylized with large, flowing loops.

James H. Beusse

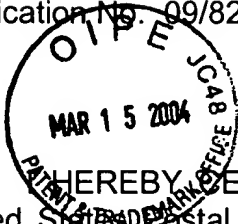
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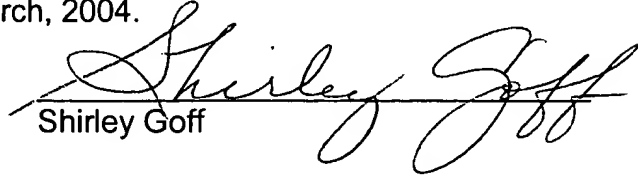
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HEREBY CERTIFY that this Amendment is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Mail Stop Amendments, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11h day of March, 2004.

  
Shirley Goff

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